

Defendant's letter-motion requesting an adjournment of the settlement conference (ECF No. 34) is **GRANTED**. Accordingly, the settlement conference scheduled for May 12, 2022 at 10:00am is **ADJOURNED** to **Friday, June 24, 2022 at 2:00pm**.

The Clerk of Court is respectfully directed to close ECF No. 34.

SO ORDERED 05/06/2022


SARAH L. CAVE
United States Magistrate Judge

May 5, 2022

VIA ECF

Honorable Sarah L. Cave
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Clark v. Brann, et al.*, 20-CV-9419 (PGG) (SLC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, attorney for Defendants New York City Department of Correction (“DOC”) Commissioner Cynthia Brann, Senior Vice President for Correctional Health Services Patricia Yang and New York City Board of Correction Executive Director Margaret Egan in the above-referenced action. Plaintiff alleges deliberate indifference stemming from DOC’s COVID-19 protocols while Plaintiff is incarcerated in DOC custody.

I write to respectfully request a 45-day adjournment of the settlement conference currently scheduled for May 12, 2022 at 10:00 a.m. Because Plaintiff is incarcerated and proceeding *pro se*, the instant request is made directly to the Court. This is the first request for an adjournment of the settlement conference.

By way of background, pursuant to the Court’s Settlement Conference Scheduling Order dated March 24, 2022 (Dkt. No. 33), the Court directed Plaintiff to make a settlement demand or to reaffirm any prior demand no later than 14 days before the settlement conference, or by April 28, 2022. The Court further directed Defendants to inform Plaintiff of their response no later than seven days before the Conference, or by today, May 5, 2022. Although the parties have previously had some informal settlement discussions by telephone, Plaintiff has failed to make or reaffirm any settlement demand pursuant to the Court’s directive.

As such, the primary reason for the requested enlargement is to enable the parties to make at least one exchange of a settlement demand by Plaintiff and a counteroffer by Defendants in advance of the settlement conference. In light of Plaintiff’s failure to comply with the Court’s directive, and as this Office is also currently in the process of obtaining settlement authority, the extension of time will enable this Office to write to Plaintiff regarding settlement

once it has received authority and to receive a response from Plaintiff in an effort to either resolve the matter prior to the conference or, at the very least, to make the conference more productive.

Accordingly, Defendant respectfully requests a 45-day adjournment of the settlement conference currently scheduled for May 12, 2022 at 10:00 a.m.

I thank the Court for its consideration of this request.

Respectfully submitted,

s/

Philip S. Frank

Assistant Corporation Counsel

cc: Via First Class Mail
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